



**International Convention
on the Elimination of all Forms
of Racial Discrimination**

PROVISIONAL

For participants only

CERD/C/SR.709
14 March 1985

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Thirty-first session

PROVISIONAL SUMMARY RECORD OF THE 709th MEETING

Held at Headquarters, New York,
on Monday, 11 March 1985, at 3 p.m.

Chairman: Mr. VALENCIA RODRIGUEZ

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Consideration of reports, comments and information submitted by States parties
under article 9 of the Convention (continued)

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The meeting was called to order at 3.30 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION (continued)

Combined third, fourth and fifth periodic reports of the Lao People's Democratic Republic (continued) (CERD/C/105/Add.4)

At the invitation of the Chairman, Mr. Vongsay (Lao People's Democratic Republic) took a place at the Committee table.

Mr. VONGSAY (Lao People's Democratic Republic) said he would continue to answer questions which had been raised by members of the Committee.

In the matter of refugees, he said that Lao citizens had emigrated to a number of countries, including Thailand, the United States and France, for various reasons. Most of them had acquired or were seeking to acquire the nationality of their new countries. Some had failed to obtain a new nationality and had therefore returned home. The Lao Government was magnanimous in allowing them to return after ascertaining that they really wanted to return and were prepared to participate in the construction of the country. Some 2,500 to 3,000 refugees had already returned after applying to the Lao Government through the United Nations High Commissioner for Refugees. Others had returned on their own initiative, without the intervention of the High Commissioner.

On the question of racial prejudice in his country, he said that while some people with a low cultural level might harbour prejudices against other ethnic groups, that was never on racial grounds. The Government stressed the notion that all men were brothers and tried to foster a feeling of community among all population groups. No case of racial discrimination per se had ever been brought before the courts.

A question had been asked about the status of the Lao Front for National Reconstruction, which, under the leadership of the Lao People's Revolutionary Party, had been established in 1979 as a political organization of national unity

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(Mr. Vongsay, Lao People's
Democratic Republic)

including representatives of all ethnic groups. Its tasks were defined by the Front for National Unity, which included all ethnic groups and had played an essential role in rebuilding the devastated country. He would try to provide the Committee with the relevant statutes of those bodies in French and English.

On the question of illiteracy, he said that before liberation the country had been 65 per cent illiterate. Illiteracy had since been almost completely eliminated. Many ethnic groups had attained at least a basic level of literacy, and efforts were being made to prevent them from falling back into total illiteracy.

It had been asked whether rehabilitation camps still existed. The Government had ordered them closed in 1982; persons who had been interned for political re-education had been released and some had even moved to New York, Paris and other places. Even though they had been collaborators with the previous régime, they had been welcomed as lost sheep returning to the fold. In most countries radical social and economic transformations usually resulted in bloodshed and slaughter, but in his country there was no policy of violence or mistreatment. The peace-loving Lao people had carried out those transformations in a spirit of reconciliation.

On the question of what percentage of the population knew the country's official language, Lao, he said that all the ethnic groups had to learn it, but the Government encouraged pride in local cultures while seeking to integrate them into the national culture. Every effort was being made to combat intolerance, which was contrary to the socialist policy of his multi-ethnic society.

As to how many persons had left the country in the past few years, reliable figures were not available because there had been no recent census. One would be taken in the not too distant future. Some émigrés, of course, were living in opulence in consumer societies. They had been the first to leave the country and naturally did not want to return. Others, however, had been misled by malicious foreign propaganda, and his Government had no intention of falling into the trap set by such propaganda.

He was pleased that most members of the Committee had expressed satisfaction with the combined reports, in which the Lao People's Democratic Republic had tried to comply with the Committee's requirements despite the difficulties which it faced as a developing country. The sixth periodic report would provide more information

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(Mr. Vongsay, Lao People's Democratic Republic)

on the points raised in the Committee and on his country's implementation of the Convention, with special reference to the forthcoming new Penal Code and Constitution.

Mrs. SADIQ ALI said she hoped the Lao representative understood that the members of the Committee were independent experts and that they asked questions and made observations in their personal capacity with the aim of achieving better understanding of, and dialogue with, the reporting States.

Mr. Vongsay (Lao People's Democratic Republic) withdrew.

Eighth periodic report of the Holy See (CERD/C/118/Add.11)

At the invitation of the Chairman, Archbishop Cheli (Holy See) took a place at the Committee table.

Archbishop CHELI (Holy See) emphasized that the Catholic Church had from the outset vigorously defended the principle that every form of racial discrimination directly contradicted the fundamental teachings of Jesus and his Church. Relevant in that connection were a number of encyclicals of recent Popes, the teachings of the Second Vatican Council and numerous addresses, messages and exhortations of the Popes. The first four paragraphs of the report (CERD/C/118/Add.11) underlined the specific nature of the Holy See and its unwavering opposition to all forms of racial discrimination. The report highlighted two significant addresses of Pope John Paul II, one to migrant workers and one on the observance of the International Day for the Elimination of Racial Discrimination; a letter by Cardinal Casaroli, Secretary of State of His Holiness, firmly condemning all manifestations of xenophobia; and an article by Monsignor Schotte, Vice-Chairman of the Papal Commission "Iustitia et Pax", entitled "The Holy See and the International Convention on the Elimination of All Forms of Racial Discrimination". No reference was made to the address by Pope John Paul II to the Chairman of the Special Committee against Apartheid on 7 July 1984, since the report had already been submitted at that time.

With regard to the request for more detailed information on measures taken by the Holy See with reference to articles 3, 5 and 7 of the Convention, he noted that such measures would imply legislative, judicial and administrative activities not in accord with the special nature of the Holy See, an entity which, while

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(Archbishop Cheli, Holy See)

recognized as a subject of international law, possessed characteristics which were not comparable to those of States belonging to the international community. The Code of Canon Law, however, stated that the faithful were bound to follow the Church's teachings, which included the total rejection of all types of racial discrimination.

Although it was not the task of the Holy See to report on the activities of local churches, which were autonomous in their pastoral endeavours, he wished to emphasize that the more than 2,500 dioceses and 100 episcopal conferences throughout the world contributed, each in its own way, to the eradication of the scourge of racial discrimination. He drew attention in that connection to various efforts by United States bishops during the past nine months to deal with the problem.

In conclusion, he reiterated the Holy See's appreciation of and support for the Committee's contribution to the cause of human rights.

Mr. SHAHI paid a special tribute to the Catholic Church for its efforts to mobilize world opinion against the evils of racism, racial discrimination and apartheid. He was impressed by the report submitted by the Holy See. The article by Monsignor Schotte quoted in the report stressed once again the special nature of the Holy See and indicated that it was through the teachings of the Church that the obligations arising from the Convention were respected. In considering the report, the Committee should therefore bear in mind the Church's mission in education and the formation of world opinion against racism and apartheid.

On an earlier occasion, the Committee had requested information on the activities of South African bishops and those of other countries (A/37/18, para. 418). However, only a brief reference to the activities of South African bishops was contained in the report under consideration. He paid a tribute in that connection to Archbishop Desmond Tutu, who had been awarded the Nobel Peace Prize in recognition of his efforts to combat racism and racial discrimination.

He observed that a debate was under way in the Catholic Church on its social doctrine, its position vis-à-vis certain régimes in Latin America, and, in particular, on its role in the struggle of the oppressed against the dominant national establishments.

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Mr. OBERG asked whether the absence of a reference to political activity in paragraph 3 of the report (CERD/C/118/Add.11) was accidental or intentional. Paragraphs 9, 16 and 17 brought to mind the debate on liberation theology, which appeared to be causing some discomfort within the Church. Since it championed the cause of the poor and the oppressed, it could not avoid being politically active. However, the Holy See appeared more prepared to accept a political role for the Church in some countries than in others, and sought to restrict the political activities of some Church members.

Mr. SHERIFIS welcomed the participation of the Holy See in the work of United Nations bodies combating racial discrimination through the world. The report under consideration was comprehensive and, owing to the special nature of the Holy See, he could accept the fact that it did not conform to the Committee's revised guidelines.

With regard to the implementation of article 7 of the Convention, he asked whether the curricula of Catholic schools provided for education in the field of human rights. Paragraph 16 of the report gave a partial reply to the question. He would appreciate clarification in the light of the revised guidelines. He also wished to know whether Catholic schools were racially segregated.

He welcomed the papal initiative for the annual observance of a World Peace Day, as well as certain documents issued periodically by the Holy Father, including documents relevant to the Convention. He would welcome clarification of the meaning of the word "Dicastery", used in paragraph 16 of the report.

Mr. PARTSCH said the Committee recognized that the Holy See, owing to its unique situation, could not be expected to observe the Committee's guidelines and that its reports would differ from those of other parties to the Convention. It had been asked during the consideration of its previous report whether any moral or religious sanctions existed to implement article 4 of the Convention. No direct answer had been given but he did not believe that one could be given. As could be seen from the articles by Cardinal Casaroli and Monsignor Schotte excerpted in the report now before the Committee, the Church sought to convince through conversion of the heart. That was quite different from penalizing acts. That difference must not be forgotten, and the position of the Church must be taken very seriously.

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Mr. KARASIMEONOV said that, on a previous occasion, the Committee had requested information regarding the position of the Holy See with respect to liberation movements (A/37/18, para. 417). Recently, there had been reports in the media about the differences between the Holy See and some bishops in Latin America over the Church's attitude towards liberation movements and the struggle in Latin America. He wished to know what was the position of the Holy See in that regard.

Paragraph 16 of the report (CERD/C/118/Add.11) referred to a discipline called "Social doctrine of the Church" which aimed to prepare ecclesiastical staff to deal with "the major moral and political problems" of the modern world. It had been stated that the Holy See did not participate in political struggles. However, he believed that the preparation of ecclesiastical staff to deal with political problems showed that the Church did take part in political struggles throughout the world.

He asked whether any moral or religious sanctions existed to implement article 4 of the Convention.

He appreciated the role of the Holy See in the struggle against apartheid. In that connection, he wondered whether there was any possibility of the Holy See becoming a party to the International Convention on the Suppression and Punishment of the Crime of Apartheid. If no such possibility existed, he wished to know why.

With respect to the international activities of the Holy See, he noted that it was represented as an observer in several United Nations bodies. For example, it had been an observer at the Third United Nations Conference on the Law of the Sea, and he wondered whether it intended to sign and ratify the United Nations Convention on the Law of the Sea and whether it was a party to other international conventions. In other words, he wished to know what generally was the attitude of the Holy See towards international conventions.

Mr. YUTZIS said that it was difficult to discuss the report of a party to the International Convention on the Elimination of All Forms of Racial Discrimination when that party's authority touched the religious and spiritual side of life and went beyond geographical borders. The report must therefore be viewed in terms of the special mission of the Holy See, which had emphasized the special characteristics that established the limits of its participation in the work of the Committee. Religious doctrine, seen in its true light, could change the hearts of

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(Mr. Yutzis)

men. There was no denying the political impact of loyalty to the Christian faith or to any other religious doctrine.

There had been several denunciations of racism by members of the Church. Pope Paul VI had denounced racism and had stated that it was a disgrace that apartheid still existed. He wondered, therefore, why there had been no specific statement by Pope John Paul II condemning apartheid in South Africa. He believed that the efforts of the Holy See to implement article 3 of the Convention would be strengthened by a specific condemnation of South Africa by the Pope. With respect to article 4 of the Convention, he wished to know what were the specific pastoral guidelines to be applied to combat racism.

Mr. CREMONA said that the unique character of the Holy See should be borne in mind when its report was considered. The Holy See was a spiritual force working ardently to eliminate all forms of racial discrimination throughout the world. With respect to the statement just made by Mr. Yutzis, he had heard specific condemnations of apartheid by representatives of the Holy See at various conferences, in particular the World Conference for Action against Apartheid, held at Lagos in 1977.

Mr. ROUCOUNAS said that the participation of the Holy See in the work of the Committee was both practical and symbolic. The Holy See had a much wider mission than other parties to the Convention in mobilizing people to combat racism and racial discrimination. He hoped that the next report of the Holy See would provide more information on education because it was in that field that it had a greater role to play in combating racial discrimination.

Mr. LAMPTEY said that the unique position of the Holy See had been recognized by all since its accession to the Convention. However, with respect to implementation of the Convention, it was not quite correct to state that the only power of the Holy See was one of persuasion. The Church also had sanctions, such as excommunication, that were more powerful than the sanctions of other parties to the Convention. If a given situation reached a point where racial discrimination was a serious threat, then the Church could go beyond persuasion, especially where national leaders were practising racial discrimination.

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Mr. YUTZIS said that he did not wish his words to be misconstrued, especially in the light of the statement made by Mr. Cremona. He (Mr. Yutzis) had heard and read statements by representatives of the Holy See condemning apartheid. However, he had heard no specific statement by the Pope himself condemning South Africa.

Archbishop CHELI (Holy See) said that it had been asked why there had been no statement by the Pope containing a clear indictment of South Africa. In several documents and addresses both Pope Paul VI and Pope John Paul II had condemned apartheid in strong terms; although there had been no specific reference to South Africa, it had been quite clear from the context to whom the remarks were addressed.

It had also been asked what specific pastoral guidelines had been issued with a view to eliminating racism. Church doctrine clearly repudiated racism. It was, however, the responsibility of individual bishops to provide pastoral guidelines on the issue to the parishes in their areas. Such pastoral guidelines had been issued by bishops in the United States about five years earlier.

There had also been a question as to whether Catholic schools included the issues of human rights and racial discrimination in their curricula. Instruction on those issues was provided in the pontifical universities as well as in the many thousands of Catholic schools; he did not, however, have exhaustive data on what was done in every single school. He hoped that there was no trace of racial discrimination in Catholic schools anywhere, even in South Africa. Indeed, the South African bishops had lost financial support because they had prohibited racial discrimination in their schools.

In reply to another question, he explained that a "Dicastery" was a department of the Curia.

One member of the Committee had asked whether the Catholic Church applied moral or religious sanctions in connection with the implementation of article 4 of the Convention. There were indeed moral sanctions. If a person acted against the Church's doctrine prohibiting racial discrimination, that would be a serious sin which must be confessed and would call for a serious admonition.

The question whether the Holy See could become a party to the International Convention on the Suppression and Punishment of the Crime of Apartheid could not be

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answered immediately; he would have to refer the matter to the Secretariat of State. The Holy See was, however, a party to several United Nations conventions and had participated in the Third United Nations Conference on the Law of the Sea because it wished to give moral support to just causes. The Holy See had no material interest in the law of the sea, but supported the moral values inherent in the concept of the common heritage of mankind.

Mr. Oberg had asked what was the position of the Holy See on liberation theology as well as on the political activities of priests. The Holy See was not against all aspects of liberation theology, but opposed only those teachings that were based on false theological principles. On the issue of political activities, a clear distinction must be drawn between political activities by the laity and by priests. It was expressly forbidden for priests to engage in the political activities of political parties. Such participation by the Catholic laity was of course permitted, provided Catholic principles were followed.

Mr. OBERG said that he had been unable to find information on those two issues in earlier reports of the Holy See. He would welcome its conclusion in the next report.

The CHAIRMAN announced that the Committee had completed its consideration of the eighth periodic report of the Holy See.

Archbishop Cheli (Holy See) withdrew.

Eighth periodic report of the Islamic Republic of Iran (CERD/C/118/Add.12)

At the invitation of the Chairman, Mr. Rajaie-Khorassani (Islamic Republic of Iran) took a place at the Committee table.

Mr. RAJAI-E-KHORASSANI (Islamic Republic of Iran), introducing his country's eighth periodic report, said that his Government, consistent with the Islamic faith, did not and could not tolerate racial or ethnic discrimination of any kind. Article 19 of the Constitution was very explicit on the point. The issue of racial discrimination was not directly relevant to the Islamic Republic of Iran, which had no need to eliminate what had never existed. The issue was more relevant to certain Western countries with a record of racial discrimination, for example, the United States; in such countries much had been done to eliminate racial discrimination, but traces remained in the form of certain attitudes. The Committee should concentrate on South Africa, where racial discrimination was so

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(Mr. Rajaie-Khorassani, Islamic Republic of Iran)

blatant that the international community must unify its efforts to eradicate it. The Committee should pay increased attention to those Western countries which still had remnants of racist ideology. Racial discrimination was not indigenous to South Africa, but had been imported from the West. The Committee's concern should therefore be with the homeland of racial discrimination, which was the West.

Although provisions for the safeguarding of an anti-racist attitude were redundant in his country, they existed and had been referred to in the report (CERD/C/118/Add.12) for the convenience of the Committee. His country's commitment to the struggle against all manifestations of racism was based on its ideological principles rather than on the Constitution, which merely reiterated those principles.

There had been discrimination in his country before the Revolution, when wide gaps had existed between the oppressors and the oppressed. The rich had always enjoyed the best of everything. Thanks to the ideological principles of the Revolution, such differences had been eradicated. For example, the Government had launched a revolutionary housing programme in which priority had been given to remote villages. A campaign to eradicate illiteracy had been launched. The clergy was in charge of that campaign, thus supplementing the routine activities of the Ministry of Education. Health services had also been extended to remote areas of the country. The policy was that the most remote areas should be given first priority in every social field, followed by provincial cities and finally Teheran. The amount of electricity provided was now 3,000 times greater than it had been during the last year before the Revolution. The supply of piped water and the delivery of other services had also risen sharply.

The work of eradicating economic and educational discrimination had earlier been left to the private sector; such work was now being undertaken by the public authorities. Before the Revolution, government positions had been very lucrative and had been monopolized by the wealthy; candidates from the poorer sectors had had no opportunity to obtain such positions even when they had had the necessary qualifications. Government salaries were no longer so attractive, and ministers currently received approximately the same salaries as university professors. Public service was open to all.

The meeting rose at 6.15 p.m.